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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,265	03/04/2002	Charles S. Zappala	CING0685/553.US	6538

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WOODCOCK & WASHBURN LLP
ONE LIBERTY PLACE
46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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03/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/090,265

Applicant(s)

ZAPPALA, CHARLES S.

Examiner

Huy Q. Phan

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02/20/2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


GEORGE ENG
SUPERVISORY PATENT EXAMINER

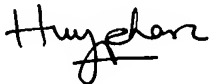
Continuation of 11. does NOT place the application in condition for allowance because:

a) Applicant's arguments, with respect to claims 6-8 which are rejected under 35 U.S.C. 102(e) as being anticipated by Karr, have been fully considered but they are not persuasive. Applicant argued that Karr fails to explicitly teach each and every limitation of independent claim 6. The examiner respectfully disagrees. The examiner contends that Karr does teach each and every limitation of independent claim 6 as recited in the previous office action mailed 12/20/2006.

b) In response to applicant's arguments with respect to claims 9 and 23-25 which are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Karr, and further in view of Martin, have been fully considered but they are not persuasive. Applicant argued that "the combination of Watson, Karr, and Martin does not teach all of the elements of independent claims 9 and 23". The examiner respectfully disagrees. The examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this particular case, Watson was used to teach all the limitations except the limitations of "show the handheld mobile telephone unit comprising a location system internal to the handheld mobile telephone unit" and "show a graphical report that displays the call data as a function of location and time". Karr was used only to teach the limitation of "show the handheld mobile telephone unit comprising a location system internal to the handheld mobile telephone unit" (see [0088], [0448]-[0449] and section 2a above). Further, Martin was used to teach a graphical report that displays the call data as a function of location and time (see col. 1, lines 11-18; for more details see specification). Therefore, the examiner asserted that it would be obvious to one of ordinary skill in the art to apply Karr and Martin's teaching in Watson's method in order to offer the handheld mobile telephone unit of capability in determining its own location and provide "a single, easy to follow, graphical presentation of the captured call information, including geographic position, even though the switches or mobile telephone manufacturer's equipment from which the call monitor information is obtained might vary".

c) In response to the appellant's argument, with regard to the rejection of claims 10 and 11 which are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Karr, in view of Martin, and further in view of Kalliokulju, it is believed that the combination of Watson, Karr, and Martin does teach all of the elements of independent claim 9 (see section above) from which claims 10 and 11 depend. Thus, the combination of Watson, Karr, Martin and Kalliokulju can be used to establish prima facie obviousness for claims 10 and 11 because the references teach or suggest all claim limitations as required. See MPEP § 2143.03. Therefore, prima facie obviousness under 35 U.S.C. § 103 has been established.

With all the reasons stated above, the rejection is deemed proper and still stands..



Examiner: Phan, Huy Q.

Date: 03/12/2007